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March 19, 2012

VIA HAND DELIVERY

Anthony Hood  
Zoning Commission, Chairperson  
441 4<sup>th</sup> Street, NW  
Suite 210-S  
Washington, DC 20001

Re Zoning Commission Case No 10-28 901 Monroe Street, LLC (the "Applicant")  
- Response to Procedural Order

Dear Commissioner Hood and Members of the Commission

In response to the Zoning Commission's Procedural Order, dated March 12, 2012, this letter addresses the public benefits being proffered by the Applicant and the draft conditions for each proffered benefit that are both specific and enforceable. Below is a chart of the proffered amenity and proposed condition.

Proffered Amenity	Proposed Condition
<u>Finding of Fact No. 37 (f) (i)</u> The cost of undergrounding the utility lines along the south side of Monroe Street between 9 <sup>th</sup> Street and 10 <sup>th</sup> Street, and along the east side of 9 <sup>th</sup> Street between Monroe Street and Lawrence Street	B 1 <u>Prior to the issuance of a certificate of occupancy for the residential portion of the project</u> , the Applicant will provide evidence that it paid for the cost of undergrounding the utility lines along the south side of Monroe Street between 9 <sup>th</sup> Street and 10 <sup>th</sup> Street, and along the east side of 9 <sup>th</sup> Street between Monroe Street and Lawrence Street and that the undergrounding of such utility lines did occur
<u>Finding of Fact No. 37 (f) (ii)</u> Replacement of the sidewalk, curb, and gutters around the entire block that includes the project, and re-grade and repave the alley that will only be utilized by the adjacent 10 <sup>th</sup> Street	B 2 <u>Prior to the issuance of a certificate of occupancy for the residential portion of the project</u> , the Applicant will provide evidence that it replaced the sidewalk, curb, and gutters around the entire block that includes the

ZONING COMMISSION  
District of Columbia

ZONING COMMISSION  
CASE NO. 10-28  
EXHIBIT NO. 334

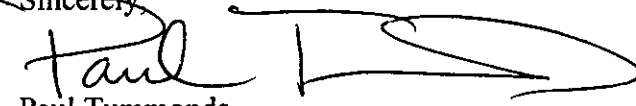

property owners	project, and re-graded and repaved the alley that will only be utilized by the adjacent 10 <sup>th</sup> Street property owners
<u>Finding of Fact No 37 (f) (iii)</u> The provision to each of the six (6) adjacent 10 <sup>th</sup> Street property owners with a \$5,000 credit (for a total expense to the Applicant of \$30,000) which can be used for hardscape and/or landscape improvements on their property	B 2 <u>Prior to the issuance of a certificate of occupancy for the residential portion of the project</u> , the Applicant will provide evidence that it provided each of the six (6) adjacent 10 <sup>th</sup> Street property owners with a \$5,000 credit (for a total expense to the Applicant of \$30,000) which can be used for hardscape and/or landscape improvements on their property Each individual 10 <sup>th</sup> Street property owner will be able to determine whether they will use the \$5,000 credit for improvements to the front of their homes on 10 <sup>th</sup> Street (such as for repairs or replacement of the retaining walls on their property adjacent to the sidewalk), to the rear of their property (which could be used for plantings to provide additional visual buffering), or a combination of the two The Applicant will be responsible for performing this work on behalf of each 10 <sup>th</sup> Street property owner
<u>Finding of Fact No 37 (f) (iv)</u> The installation of eight (8) security cameras on the exterior of the building to monitor activity on the sidewalks adjacent to the property, as well as the entire block bound by Monroe, 9 <sup>th</sup> , Lawrence and 10 <sup>th</sup> Streets Footage from these cameras will be made available to the Metropolitan Police Department, as necessary	B 3 <u>Prior to the issuance of a certificate of occupancy for the residential portion of the project</u> , the Applicant will provide evidence that it installed eight (8) security cameras on the exterior of the building to monitor activity on the sidewalks adjacent to the property, as well as the entire block bound by Monroe, 9 <sup>th</sup> , Lawrence and 10 <sup>th</sup> Streets Footage from these cameras will be made available to the Metropolitan Police Department, as necessary
<u>Finding of Fact No 37 (f) (v)</u> Payment for and construction of \$25,000 worth of enhancements to the playground equipment and open spaces at the Turkey Thicket Recreation Center, located at 1100 Michigan Avenue, NE	B 4 <u>Prior to the issuance of a certificate of occupancy for the residential portion of the project</u> , the Applicant will provide evidence that it paid for and constructed \$25,000 worth of enhancements to the playground equipment and open spaces at the Turkey Thicket Recreation Center, located at 1100 Michigan

	Avenue, NE
<p><u>Finding of Fact No 37 (f) (vi)</u>          The Applicant will continue to work with the Greater Brookland Business Association ("GBBA") to identify potential business opportunities for Brookland businesses throughout the life of the project. The Applicant will adhere to the following procedures in order to cultivate these business opportunities</p> <ul style="list-style-type: none"> <li>- The Applicant will semi-annually obtain from the GBBA a list of products and services offered by its members. This list shall include a notation for each business as to whether it is a CBE,</li> <li>- The Applicant shall offer Brookland businesses an opportunity to bid on products and service offerings prior to selecting a vendor, and</li> <li>- The Applicant and GBBA will meet quarterly to review business opportunities and the selection of Brookland businesses</li> </ul>	<p><u>B 5 The Applicant will provide annual reports (on July 15<sup>th</sup> of each year, beginning on the first date after the building permit is issued) to the Zoning Administrator ("ZA") which detail the actions taken to identify business opportunities for Brookland businesses</u></p>
<p><u>Finding of Fact No 37 (f) (viii)</u>          The Applicant will make the following financial contributions</p> <p>(a) \$25,000 to the Washington Area Community Investment Fund to be used for a 12<sup>th</sup> Street, NE Façade Improvement Program</p>	<p><u>B 6 The Applicant shall make the following financial contributions</u></p> <p>(a) <u>Prior to the issuance of the building permit for the project</u>, the Applicant will make a contribution of \$25,000 to the Washington Area Community Investment Fund to be used for a 12<sup>th</sup> Street, NE Façade Improvement Program. The Applicant and the Washington Area Community Investment Fund will present evidence to the Zoning Administrator ("ZA") demonstrating that the money has been applied to the designated use within six months of</p>

<p>(b) \$25,000 to Byte Back for the purchase of 26 desktop computers for their computer lab</p> <p>(c) \$50,000 to The Community Foundation for the National Capital Region to fund and administer no-interest loans for small businesses that are located within the Brookland Community</p>	<p>receiving the contribution. If the money has not been applied to the designated use within six months, then the Applicant and the Washington Area Community Fund will provide a reasonable explanation to the ZA as to why not and must present evidence to the ZA within one year indicating that the contribution has been properly allocated.</p> <p>(b) <u>Prior to the issuance of the building permit for the project</u>, the Applicant will make a contribution of \$25,000 to Byte Back for the purchase of 26 desktop computers for their computer lab. The Applicant and Byte Back will present evidence to the Zoning Administrator ("ZA") demonstrating that the money has been applied to the designated use within six months of receiving the contribution. If the money has not been applied to the designated use within six months, then the Applicant and Byte Back will provide a reasonable explanation to the ZA as to why not and must present evidence to the ZA within one year indicating that the contribution has been properly allocated.</p> <p>(c) <u>Prior to the issuance of the building permit for the project</u>, the Applicant will make a contribution of \$50,000 to The Community Foundation for the National Capital Region to fund and administer loans for small businesses that are located within the Brookland Community. For the purposes of this condition, the Brookland Community is deemed to be those areas which are located within the boundaries of the future ANC 5B (which will be determined based on the redistricting of ANC boundaries based on the results of the 2010 Census). The Applicant and The Community Foundation for the National Capital Region will provide annual reports (on July 15<sup>th</sup> of each year, beginning on the first date after the building permit is issued) to the Zoning Administrator ("ZA") identifying</p>
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<p>(d) \$25,000 to Dance Place to be used for improvements to the new dance studio in Dance Place's main theater building and their new dance studio in the Brookland Artspace Lofts</p>	<p>the recipients of any loans distributed from this fund This reporting requirement will remain in effect until all of the funds have been disbursed</p> <p>(d) <u>Prior to the issuance of the building permit for the project</u> the Applicant will make a contribution of \$25,000 to Dance Place to be used for improvements to the new dance studio in Dance Place's main theater building and their new dance studio on the Brookland Artspace Lofts The Applicant and Dance Place will present evidence to the Zoning Administrator ("ZA") demonstrating that the money has been applied to the designated use within six months of receiving the contribution If the money has not been applied to the designated use within six months, then the Applicant and Dance Place will provide a reasonable explanation to the ZA as to why not and must present evidence to the ZA within one year indicating that the contribution has been properly allocated</p>
<p><u>Finding of Fact No 37</u> The Applicant will abide by the Construction Management Agreement submitted into the record as Exhibit No 318</p>	<p>B 7 During the period of construction activity on the site, the Applicant shall abide by the terms of the Construction Management Agreement noted in Condition No 14 – p 26-33 of Exhibit No 322 (and attached to this letter)</p>

We look forward to the Zoning Commission taking Final Action on this case

Sincerely,  
  
Paul Tummonds  
  
Cary Kadlecek

Enclosure

**Certificate of Service**

I hereby certify that a copy of the foregoing document has been sent by hand delivery, electronic mail or first class mail to the following addresses on March 19, 2012

Stephen Cochran (By Electronic Mail)  
Office of Planning  
1100 4<sup>th</sup> Street, SW  
Suite E-650  
Washington, DC 200024

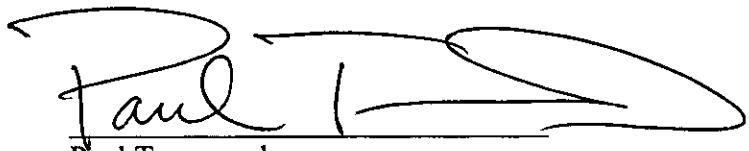
ANC 5A (U S Mail)  
1322 Irving Street NE  
Washington, DC 20017

Carolyn Steptoe, ANC 5A07 (By Hand Delivery and Electronic Mail)  
1257 Lawrence Street, NE  
Washington DC 20017

"200 Footers"  
c/o Barbara Kahlow (By Hand Delivery and Electronic Mail)  
800 25<sup>th</sup> Street, NW  
#704  
Washington, DC 20037

Brookland Neighborhood Civic Association (By Electronic Mail)  
c/o Caroline Petti  
1502 Otis Street, NE  
Washington, DC 20017

Alan Bergstein (By Electronic Mail)  
Section Chief  
Land Use and Public Works Section  
1100 15th Street, N W , Suite 800  
Washington, D C 20005-1707

  
Paul Tummonds

Area Median Income The Applicant submitted a plan for the potential locations of the affordable units in Exhibit 315 of the record

- 12 The Applicant shall establish a transportation demand management (“TDM”) program that includes the following
  - a The Applicant will provide initial residents in the building with SmarTrip cards pre loaded with \$5 The total value for each card will be \$10 (\$5 for the card itself and \$5 of credit)
  - b The Applicant will coordinate with Zipcar to determine the feasibility of locating Zipcars on site The final determination on whether and how many Zipcars will be located at the site will be made by Zipcar
  - c Significant bicycle parking will be provided on-site for both retail employees and residents Bicycle parking for the retail employees will be provided on the first floor Bicycle parking for the residents will be provided on the garden level
  - d Shower and changing facilities will be provided on site for employees who wish to walk, jog, or bike to work
  - e A business center will be provided in the residential building for residents who telecommute
- 13 The Applicant shall establish a loading management plan that includes the following
  - a The Applicant shall designate a Loading Coordinator for the site
  - b All tenants shall be required to use the loading dock for move-in/move-out activities, except when trucks greater than 45 feet are required
  - c All tenants shall be required to notify Loading Coordinator of move-in/move-out dates
  - d When trucks greater than 45 feet are required for tenant move-in/move-out, the Loading Coordinator shall assist tenants in obtaining proper permits from DDOT
  - e All retail tenants and vendors shall be required to use the loading dock for deliveries
  - f The Applicant shall prohibit vendors to retail uses in the project from making deliveries in trucks larger than 45 feet
  - g No truck idling shall be permitted
- 14 Construction Management The Applicant will undertake the following actions to mitigate any adverse impact on adjacent properties resulting from construction activity related to the development of the project

- a     Alley Construction Logistics   There will no use by any construction vehicle or construction affiliate of the north-south public alley behind the six abutting 10<sup>th</sup> Street row-houses. This alley is the only ingress and egress route for the car driveways of these residents and their porches, living rooms, and bedrooms face this 10-foot alley and are the sole means of their essential air and light on that side. The Applicant will not block or obstruct in any way owner ingress and egress to this public alley. This alley will remain open during the project's general construction. However, it will be briefly closed in order to undertake the re-grading (which will result in the slope of the alley being re-graded away from the six rowhouses on 10<sup>th</sup> Street in Square 3829), repaving, and utility relocation work proposed by the Applicant. This alley shall never be used for staging. For purposes of this CMA, staging is defined as "use of any portion of said public alley for construction-related purposes, such as a construction trailer, construction equipment, a materials trailer, building materials and other related uses for ingress and egress by the Applicant."
- b     Traffic and Construction Control Plan   All ingress and egress for the site will be from Monroe Street or up to the proposed East-West alley between 9<sup>th</sup> and 10<sup>th</sup> Streets at the northern end of the site, subject to DDOT approval. Vehicular ingress and egress will be only through approved, permitted construction entrances. At no time are trucks permitted to queue (which is deemed to be waiting for more than 15 minutes) or idle in residential areas along 9<sup>th</sup>, 10<sup>th</sup> and Lawrence Streets. Nor are workers allowed to individually congregate, queue or idle in the residential areas before the 7 a.m. or 8 a.m. start of the construction day. There will be a single, regulated construction entrance for workers on foot, especially after the building superstructure is up. Flagmen will be positioned on 9<sup>th</sup> and 10<sup>th</sup> Streets, as necessary, to direct the flow of construction traffic and to maintain the public's safety in this residential area.
- 1     Throughout construction, the Applicant agrees to ensure safe pedestrian access around the perimeter of the site. The Applicant agrees to develop and implement (after approval by DDOT) a plan for temporary pedestrian and vehicular circulation during construction. At a minimum, the plan shall identify temporary sidewalks, interim lighting, fencing around the site, construction vehicle routes, and any other features necessary to ensure safe pedestrian and vehicular travel around the site during construction.
- 11    The Applicant agrees to notify all adjacent property owners as well as all property owners facing the property across perimeter streets in writing or, if mutually agreeable, by e-mail, at least seven (7) calendar days in advance of any street closure of more than one hour duration on any street, "emergencies" excepted, with "emergencies" as jointly defined by the Applicant and the 200-Footers Group.



- c Construction Truck Route Construction truck traffic to and from the site will travel only on the following surrounding streets North Capitol Street, Michigan Avenue, Monroe Street Rhode Island Avenue, and 12<sup>th</sup> Street The Applicant will not use 9<sup>th</sup> 10<sup>th</sup>, Lawrence, or Kearney Streets as construction truck or construction-related truck thoroughfares There shall be no construction use of parking spaces along 9<sup>th</sup>, 10<sup>th</sup>, Lawrence, and Kearney Streets, except for the spaces on 9<sup>th</sup> Street and 10<sup>th</sup> Street that are located to the north of the proposed east-west covered loading dock/alley
  
- d Construction Parking Parking for construction workers will be provided within the fenced boundaries of the construction site or in the parking lot located in the Lawrence Street right-of-way, west of 9<sup>th</sup> Street, which is currently used as a parking lot for the Col Brooks restaurant Construction personnel will be encouraged to utilize mass transit, including Metro rail and Metro bus Parking by construction personnel in the residential areas of 9<sup>th</sup>, 10<sup>th</sup>, Lawrence, and Kearney Streets will not be permitted Alternatively, construction personnel can utilize short-term parking in the Brookland-CUA Metro parking lot or park elsewhere off-site and be shuttled to the site
  
- e Site Management
  - i Fence Once construction commences, an eight foot (8') high construction fence with privacy fabric will be erected to screen construction activities and debris from the nearby affected properties All construction trailers, all construction materials and all equipment, and portable toilets will be located and always retained on the Applicant's property behind the construction fence for the duration of the construction The 8' fence will shield the trailers and portable toilets from the neighborhood and residential areas
  
  - ii Odors There will be no noxious odors emanating from the construction site
  
  - iii Lighting Ongoing temporary on-site lighting during construction will be erected for the site to provide lighting for safety and security No generators will be used at night to provide temporary site lighting The Applicant will keep the lighting directed into the site only and not impact the surrounding community In addition, the Applicant will maintain current lighting in the North-South alley at all times, subject to temporary construction needs
  
  - iv Electrical Generators All electrical generators and compressors will be turned off at the end of each day's construction activities, i.e., by 7 p.m.

- v Stormwater Management The Applicant will maintain temporary stormwater management systems throughout the Project's construction until such time as the permanent facilities are constructed, approved and functioning such that there shall be no adverse water impacts on the adjacent neighborhood
- vi No Disruption of Services to Property Owners in Square 3829 The Applicant will work with all relevant utilities, Verizon, and Comcast to assure that construction activity on the 901 Monroe Street Property will not result in the disruption of utility, cable or phone services to other property owners within Square 3829
- f Hazardous Waste, Hazardous Materials and Pollutants The Applicant shall not use, generate, manufacture, store, transport or dispose of, on or over the construction area any flammable liquids, radioactive materials, hazardous materials, hazardous wastes, hazardous or toxic substances, or any other "hazardous materials" as defined under Federal or DC law. However, materials that are commonly used in the construction of mixed-use projects such as the project proposed by the Applicant are not subject to this provision #6. The Applicant does not anticipate that any blasting will be required, however, should blasting be required the Applicant shall notify the Neighborhood Contact Person (discussed in provision #10) at least 48 hours prior to any blasting. The Applicant shall also give 48 hours notice to the Neighborhood Contact Person prior to any Foundation Pile work described in provision #14).
- g Excavation and Rodent Infestation Currently there are no conspicuous rodent holes and rodent sightings on 9<sup>th</sup>, 10<sup>th</sup>, Lawrence, and Kearney Streets. The Applicant will enact a substantive rodent abatement/rodent control program during pre-construction and while construction activity is occurring on the 901 Monroe Street Property. Rodents are deemed to include rats, possums, raccoons, snakes, etc. Upon receipt of any rodent complaint, rodent damage and/or rodent issues from 200 Footers up until completion of project, the Applicant will immediately resolve and provide fair market compensation for any problems and inconvenience resulting from rodent infestation.
- h Cleanliness The Applicant will require the continuous removal of rubbish and construction debris during the normal construction day and during any other periods of work. During construction activities, there will be a dumpster on-site (*i.e.* inside of the fence) for the removal of trash and construction debris. The dumpster will remain covered at all times and will never overflow onto the ground. The removal and replacement of the dumpster will take place during normal working hours on Monday through Saturday. The Applicant will undertake a program of pest control to ensure that no increase in pest activity occurs during the construction period (see provision #7). All excavation or back-fill trucks will be covered before proceeding from the Applicant's property onto city streets.

- 1 The areas adjacent to the site will be policed daily by the contractor and will always remain clean of any trash or debris resulting from construction activities. The Applicant will ensure regular cleaning of the north-south alley and all surrounding streets (i.e. 9<sup>th</sup>, 10<sup>th</sup>, and Lawrence)
- 11 At the end of each work day during construction, the Applicant agrees to ensure that any streets used for hauling construction materials and the entrance to the construction site are free of mud, dirt, trash, dust and debris and that all streets adjacent to the construction site are free of trash and debris
- 111 The Applicant agrees to maintain street surfaces adjacent to the site in a clean, smooth condition devoid of potholes at all times during the construction period

1 Work Hours and Workers The normal construction work-week will be Monday through Friday, 7 a.m. to 7 p.m., and Saturday, 8 a.m. to 4 p.m. The Applicant will make good faith efforts to limit the work that could disturb the residents of the neighborhood to weekdays, except where limitations on work during the week require work on Saturdays to meet the requirements of construction teams for a 40 hour work week. No Sunday work hours will be utilized.

- 1 Trucks All trucks for delivery of materials, construction or otherwise, will arrive, depart and operate on the Applicant's property during the foregoing hours. There will be no queuing (which is deemed to be waiting for more than 15 minutes), idling, standing, or parking of delivery trucks on 9<sup>th</sup>, 10<sup>th</sup> (except up to the proposed east-west covered loading dock/ alley, as approved by DDOT) Lawrence, or Kearney Streets (i.e. only on Monroe Street if permitted)
- 11 Workers Workers will not be on Applicant's property prior to stated work hours. Workers will not congregate, loiter, talk loud or play loud music on 9<sup>th</sup>, 10<sup>th</sup>, Lawrence, and Kearney Street. Workers will remain on Monroe Street.
- 111 Noise (also see provision o) There will be no noise generating activities prior to the start of the work day. There will be no start-up or idling of equipment prior to the start of the work day. Indoor construction activity, defined as activity occurring entirely within a structure fully enclosed on all sides by insulated exterior walls, windows and or doors shall end at midnight each day, and any such activity that occurs after 7:00 p.m. shall not annoy or disturb reasonable persons of normal sensitivities. The Applicant agrees to place a minimum of one (1) sign per street-front around the perimeter indicating the permissible hours of construction, to place

additional signage within construction field offices, and to provide a written copy of the permissible hours and rules of construction to all subcontractors prior to the start of their work

- J Communication The Applicant shall designate a representative (the "Representative") to be the key contact for interaction with members of the community (especially the 200 Footers) regarding construction. The Representative will have a local office, cell, fax and voice mail and be accessible during all business hours. The Representative will respond to all community queries within the same business day (Monday-Saturday). In addition, the Applicant will provide an emergency point of contact who can be reached 24 hours a day for construction concerns. The name of the key contact and his or her telephone numbers will be conspicuously posted on the Applicant's property at all times. The Applicant will work with residents of 10<sup>th</sup> Street, NE whose homes are adjacent to the development site, residents of 9<sup>th</sup> Street, NE whose homes are directly across the street from the 901 Monroe Street Property, and residents of the 900 block of Lawrence Street, NE, to designate a single contact person ("**Neighborhood Contact Person**"), who may change from time to time, to represent the surrounding community. The initial Neighborhood Contact Person shall be designated by the community and will be determined prior to the start of construction activity on the Property. The Neighborhood Contact Person will receive and disseminate information from the Applicant to the community. The Applicant shall provide to the Neighborhood Contact Person, and keep updated, the names of and pertinent information about the Representative, the designee and emergency contact, including their home phone numbers and beeper numbers, as appropriate. In the event that a single Neighborhood Contact Person cannot be agreed upon, the Applicant shall provide the information described in this Plan to the ANC 5B Single-Member District Commissioner for the Property.

- 1 The Applicant's designated Representative shall (a) receive notice of violations of the Construction Management Plan/Agreement, (b) respond to the person who reported the violation within the same business day (Monday-Saturday), (c) act to remedy the violation as soon as possible, (d) correspond with the Neighborhood Contact Person to explain the complaint, proposed remedy, and timeframe for resolution of the problem, and (e) maintain a log of all complaints received and the steps taken to address the complaints (this log shall be continually available for inspection by the 200 Footers)
- 11 Before commencing any clearing, grading, or demolition activities, the Applicant shall hold a meeting with the 200 Footers to review the construction hauling route, location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction. The Applicant further agrees to meet with the 200 Footers should the exigencies of construction require modifications to any details specified

herein In addition, the Applicant shall meet with the 200 Footers periodically during the construction activities and shall meet with the 200 Footers, at a minimum, once every three (3) months in order to address issues such as proposed landscaping (including a review of the proposed landscaping plans), alley repaving, sidewalk and retaining wall repair and replacement and stormwater management issues

- iii Copies of the plan and maps shall be posted on the construction site and provided to each subcontractor before its work commences
- k Contractors The Applicant will enforce contractor compliance with all rules and regulations described herein with all such conditions included in all general and sub-contractor oral and written contracts The Applicant will require that all contractors and subcontractors use only licensed vehicles and that they comply with all DC traffic laws and regulations
- l Pre-Construction Survey of Adjacent Structures and Responsibility for Damage to Adjacent Properties The Applicant will hire an independent testing and inspection firm to conduct a thorough pre-construction survey of adjacent properties to the 901 Monroe Street Property in order to document the pre-construction condition of existing structures The following properties will be surveyed the rowhouses on the west side of 9<sup>th</sup> Street in Square 3829W, the six rowhouses on the west side of 10<sup>th</sup> Street in Square 3829, the properties in the 900 block of Lawrence Street (907-919 Lawrence Street) on the south side of Lawrence Street in Square 3830, and 1000 Monroe Street in Square 3881 These properties are hereinafter referred to as the "Surveyed Properties" Prior to beginning the pre-construction survey, the name and firm's biographical information will be provided to the owners of the Surveyed Properties This survey will include not only photographs but also videos A copy of this report will be provided to each owner of an adjacent property If damage occurs from the construction activity on the 901 Monroe Street Property the Applicant agrees to repair, at its own expense and as promptly as reasonably possible, any damage to the Surveyed Properties and any improvements thereon (returning the improvements on the Surveyed Property to its pre-construction condition) which are caused by and result from the construction activity on the 901 Monroe Street Property Any damage to adjacent properties valued at less than \$5,000 will be promptly paid (within three business days (Monday-Saturday)) to the damaged property owner by the Applicant Should the Applicant become aware of any cracks that develop in improvements on the Surveyed Properties during construction, a program of crack monitoring administered by a qualified independent company shall be put in place immediately
- m Monitoring Activities The Applicant will monitor construction dewatering during excavation of the below-grade levels and the installation of building foundations and below-grade walls The Applicant will monitor vibrations during

installation of the excavation support system to confirm that potentially damaging vibrations do not extend into the adjacent residences, especially the six 10<sup>th</sup> Street row-houses abutting the site. Seismographs will be placed in accordance with the final support of excavation design and an additional set will be placed at the 200-foot limit

- n Foundation Piles All piles will be installed per the support of excavation design. Piles will be primarily drilled rather than hammered or vibrated during the construction process
- o Noise (see also provision 1) The Applicant will not permit any activity on the Applicant's property which generates sound levels in excess of sixty decibels (60 db ) or otherwise is likely to significantly disturb the adjacent residents prior to 7 00 a m on weekdays and prior to 8 00 a m on Saturdays or after 7 00 p m on weekdays and 4 00 p m on Saturdays. Additionally, all electrical generators and compressors will not be turned on before 7 00 a m on weekdays and 8 00 a m on Saturdays and will be turned off by 7 p m. All exterior work and interior work at any hour shall not exceed eighty decibels (80 db ). At all, times, workers will be prohibited from talking loud or playing loud music on 9<sup>th</sup>, 10<sup>th</sup>, Lawrence, and Kearney Streets
- p Permits All plans and permits will be on-site as required under the DC Construction Code and available for inspection by the community
- q Tree Protection and Replacement The Applicant agrees to implement a tree protection plan which will designate any trees proposed to be saved by the Applicant. These trees may be located on the 901 Monroe Street Property or abutting properties in Square 3829. The tree protection plan shall be prepared by a certified arborist or a horticultural professional with demonstrated expertise in tree protection techniques on urban sites and shall be submitted and approved by DDOT prior to the issuance of a clearing, grading or demolition permit
- r Crane Swing Agreements The Applicant shall enter into agreements with each property owner should there be crane swings above its adjacent property
- s Maintenance Prior to Construction The Applicant agrees to maintain the site in a clean, safe and well-maintained condition prior to the issuance of a clearing, grading or demolition permit
- t Post-Completion Cleanup The Applicant will work with the 200-Footers Group to determine the terms later

15 The Applicant shall have flexibility with the design of the PUD in the following areas

- a To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators and toilet rooms provided that the variations do not change the exterior configuration of the structure,